

SEP 08 2008

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MASAHIKO KUBOTA ET AL.

Attention: Derek L. Woods
Attorney
Office of Petitions

Application No.: 10/615,289

Filed: July 9, 2003

For: METHOD FOR PRODUCING
FINE STRUCTURED MEMBER,
METHOD FOR PRODUCING
FINE HOLLOW STRUCTURED
MEMBER AND METHOD FOR
PRODUCING LIQUID
DISCHARGE HEAD

September 8, 2008

Director for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RENEWED PETITION UNDER 37 CFR 1.181(a) AND 37 C.F.R.1.137(b)
FOR WITHDRAWAL OF NOTICE OF ABANDONMENT, AND
RESUBMISSION OF AMENDMENT WHICH WAS DEEMED TO BE NON-COMPLIANT

Sir:

BACKGROUND

In an Office Action dated October 1, 2004, issued in this application, many of the claims were designated as being allowable. Applicants filed an Amendment, and a request for approval of proposed drawing corrections, both dated January 3, 2005, believing that the application would then be allowed and that corrected drawings would be submitted upon receiving authorization to amend the drawings as proposed. In response, the Patent Office issued a Notice of Non-Compliant Amendment on March 15, 2005, stating that the replacement of one

equation with another was not permissible. Applicants filed a Response to that Notice on April 15, 2005 to show the whole paragraph in which equations were corrected, but did not note that the drawing changes were implicitly approved. Subsequently, the file was apparently lost in the PTO, and over two years later a Second Notice of Non-Compliant Amendment, dated May 31, 2007, was issued.

That Notice pointed out that the listing of claim amendments did not include the notation "1.-23. (Cancelled)". The objection referred to in that Notice was responded to on June 8, 2007. Then, a third Notice was received incorrectly stating that amended paragraphs did not include markings, and stating that corrected drawings did not include the legend "Replacement Sheets". In response it was pointed out that the amended paragraphs did in fact include markings as indicated on the last four pages of the 22 page electronic transmission dated June 8, 2007. In this regard, there was no additional paper showing corrections to the Abstract, since there were no changes made to the Abstract except to join two paragraphs as one, as stated in the Amendment.

A fourth Notice of Non-Compliance dated August 29, 2007 was issued, stating that the amended paragraphs did not have markings, and again requesting Replacement Sheet drawings. In response, the appropriate drawings were filed and the marked-up amended paragraphs were again pointed out.

The Patent and Trademark Office then issued a Notice of Abandonment, and after reading that Notice it was realized for the first time that what the Examiner was requesting was our version of the January 3, 2005 Amendment, wherein the changes to the equations appeared with their entire paragraphs in the body of the Amendment showing the corrections therein, rather than in the attached marked-up sheets.

RENEWED PETITION UNDER 37 CFR 1.181(a) AND 1.137(b)

The alleged abandonment was unintentional. Moreover, this fact is apparent from the sequence of events set forth above. In each response filed in response to the various Office Actions, the undersigned attempted to comply with and satisfy the Examiner's requirements and to overcome the objections to the previous response.

Further in this regard, there remains disagreement as to the sufficiency of the responses, in that the undersigned was unaware that the submission of marked up sheets showing the claim amendments was, or is, improper. Accordingly, it is believed that this Petition is proper under 37 CFR 1.181(a). However, if the use of such attached sheets to show the mark-ups is improper, and if the requested amendments must be presented before the signing page, then it is requested that this Petition for unintentional abandonment be accepted under 37 CFR 1.137(b), and that the requisite fee be charged to the Deposit Account noted herein and noted in the previously filed Petition.

Accordingly, in the following pages that Amendment of January 3, 2005 has been repeated, wherein the marked-up version of the equations, together with the paragraphs in which they appear, are included in the body of the Amendment.

For these various reasons, it is respectfully requested that the Notice of Abandonment be withdrawn.

SUMMARY

Each action mailed by the PTO was promptly responded to, wherefore it is clear that there never existed any intent by Applicants or their undersigned counsel to abandon the application. Moreover, it was the undersigned's intent, in each response, to comply with the Examiner's requirements and to overcome all rejections to the previous response.

If any fees are required, please charge Deposit Account 50-3939.